

Serial No. 10/700,244

Atty Dkt No. 706630US1

REMARKS

Claim 1 has been amended to clearly delineate the preamble from the body of the claim and thereby obviate its rejection under §112. Claim 1 was further rejected under §§102 and 103 in view of a single reference, namely, Ingold. This rejection is discussed below.

Ingold discloses a measuring instrument equipped with a removable transmitter probe 7, that when removed, is sealed from a vessel 3 by a ball valve 5. As shown in FIG. 1, the ball valve 5 is closed when the probe is removed from the vessel 3 and hence, nothing downstream of the ball valve 5 is communicated with the vessel 3. Further, contrary to the assertions in the office action, reference number 26 in Ingold actually depicts an in-feed line for a sterilizing medium. This in-feed line cannot act as a bleed channel as recited in claim 1 since that line leads to the source of the sterilizing medium. Rather, the only outlet in Ingold is the connection 27 which, however, is not fluidly connected to an outer portion of a connection port, as recited in claim 1.

Accordingly, without the hindsight benefit of applicants claims and disclosure, no person of ordinary skill in the art could read Ingold as providing a bleed channel that is fluidly connected to an outer portion of a connection port between the first and second portions of a coolant sensor in the first position, and fluidly connected to a fluid channel with the sensor in its second position, as recited in claim 1. To the contrary, Ingold teaches directly away from such a construction and arrangement by providing only a sterilizing medium inlet and no bleed channel as recited in claim 1. Ingold also teaches away from the subject matter recited in claim 1 by specifically teaching a shut-off valve 5 that isolates the in-feed line 26 from the vessel 3. Indeed, a primary focus of Ingold is the

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provision of multiple locks or safety mechanisms that prevent inadvertent actuation of the shut-off valve 5 or probe 7. Accordingly, ignoring the shut-off valve 5 and related disclosure is improper since it and the other features teach persons of ordinary skill away from the construction and arrangement recited in claim 1, regardless of whether there may be some instance of communication as the valve 5 closes, which is not stated in Ingold. Accordingly, it is apparent that the examiner failed to consider Ingold in its entirety and improperly used Applicant's claims as a shopping list of individual items to be found in the art without regard to the actual teachings and disclosure of the art. For at least these reasons, claim 1 is novel and patentable over Ingold.

New Claim 20

Claim 20 is dependent on claim 1 and is patentable for at least the reasons claim 1 is patentable. Additionally, claim 20 recites first and second apertures and a clip that are not disclosed in the cited art.


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CONCLUSION

In view of the foregoing, each of claims 1-8 and 20 is in condition for allowance. Accordingly, reconsideration of the claims and passage of the application to issue are respectfully requested. If a telephone conference would expedite allowance or resolution of any further questions, such a conference with the undersigned is invited at the convenience of the Examiner.

Respectfully submitted,

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